

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 09-20238
Hon: AVERN COHN

D-3, CLIDE MAYS,

Defendant.

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ORDER DENYING MOTION FOR DISCLOSURE [ETC] (DOC. 59)
AND
MOTION TO DISMISS CONSPIRACY CHARGE (DOC. 60)

This is a criminal case. Defendant is charged along with two (2) others individuals with a violation of 21 U.S.C. § 846, Conspiracy to Possess With Intent to Distribute and to Distribute Controlled Substances. Defendant has filed two motions styled

Motion for Disclosure of Government Bias for Charge of
Conspiracy to Deliver Crack Cocaine as to Defendant Mays
Based on Offer of Illusory Plea Bargain

and

Motion to Dismiss Conspiracy Charge.

Essentially, defendant is challenging the sufficiency of the evidence supporting the charges and expressing dissatisfaction with the plea bargain sentence proffered by the government.

The motions are DENIED.

As explained on the record on April 15, 2010, on the hearing of a motion to dismiss

by co-defendant, Terrence Pritchett, it is the function of the jury to determine the quality and quantity of the evidence.

The government's Response in Opposition (Doc. 62) to Defendant's Motion to Dismiss Conspiracy Charge (Doc. 60) adequately informs defendant of the factual outline of the government's cases. It will be for the jury in the first instance to decide whether or not the evidence is sufficient for a conviction. Should the jury decide the government has made a case for conviction, the Court on a properly filed motion for a judgment of acquittal, FED. R. CRIM. P. 29, will review the sufficiency of the evidence to support the conviction.

As to the plea bargain offered by the government, the Court has no role to play in the negotiation of plea agreements. FED. R. CRIM. P. 11(c).

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: May 14, 2010

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, May 14, 2010, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160